

OPINION 2358 (Case 3458)

***Balintus* d'Abbrera, 2001, *Gulliveria* d'Abbrera & Bálint, 2001, *Salazaria* d'Abbrera & Bálint, 2001, *Megathecla* Robbins, 2002 and *Gullicaena* Bálint, 2002 (Insecta, Lepidoptera, LYCAENIDAE): priority maintained**

Abstract. The Commission has not approved the request to rule under its plenary power on the status of several generic names in the LYCAENIDAE. Instead, under Articles 78.2.3 and 81.2.4 of the Code, the Commission, using its specific powers, confirms the availability of all the new generic names proposed in d'Abbrera (2001) and consequently the availability of any replacement names proposed for any of them.

Keywords. Nomenclature; taxonomy; LYCAENIDAE; *Annamaria*; *Balintus*; *Chopinia*; *Eucharia*; *Gullicaena*; *Gulliveria*; *Lamasina*; *Lucilda*; *Megathecla*; *Pedusa*; *Riojana*; *Salazaria*; hairstreak butterflies; Neotropics.

Ruling

- (1) The International Commission on Zoological Nomenclature has declined to use its plenary power merely to rule that the following generic names are deemed to be available:
 - (a) *Balintus* d'Abbrera, 2001 (gender: masculine), type species by original designation *Pseudolycaena tityrus* C. Felder & R. Felder, 1865;
 - (b) *Gulliveria* d'Abbrera & Bálint in d'Abbrera, 2001 (gender: feminine), type species by original designation *Thecla gigantea* Hewitson, 1867, a junior homonym of *Gulliveria* Castelnau, 1878;
 - (c) *Salazaria* d'Abbrera & Bálint in d'Abbrera, 2001 (gender: feminine), type species by original designation *Thecla sala* Hewitson, 1867;
 - (d) *Megathecla* Robbins, 26 June 2002 (gender: feminine), replacement name for *Gulliveria* d'Abbrera & Bálint, 2001, type species *Thecla gigantea* Hewitson, 1867;
 - (e) *Gullicaena* Bálint, 30 November 2002 (gender: feminine), replacement name for *Gulliveria* d'Abbrera & Bálint, 2001; type species *Thecla gigantea* Hewitson, 1867, a junior objective synonym of *Megathecla* Robbins, (26 June) 2002.
- (2) Under Articles 78.2.3 and 81.2.4 of the Code, the Commission, using its specific powers, confirms the availability of all new generic names proposed in d'Abbrera (2001) and consequently the availability of any replacement names proposed for any of them.
- (3) The following generic names are hereby placed on the Official List of Generic Names in Zoology.
 - (a) *Balintus* d'Abbrera, 2001 (gender: masculine), type species by original designation *Pseudolycaena tityrus* C. Felder & R. Felder, 1865;
 - (b) *Salazaria* d'Abbrera & Bálint in d'Abbrera, 2001 (gender: feminine), type species by original designation *Thecla sala* Hewitson, 1867;

- (c) *Megathecla* Robbins, (26 June) 2002 (gender: feminine), replacement name for *Gulliveria* d'Abrera & Bálint in d'Abrera, 2001, type species *Thecla gigantea* Hewitson, 1867, a senior synonym of *Gullicaena* Bálint in d'Abrera, (30 November) 2002;
- (d) *Annamaria* d'Abrera & Bálint in d'Abrera, 2001 (gender: feminine), type species by original designation *Thecla draudti* Lathy, 1926;
- (e) *Chopinia* d'Abrera, 2001 (gender: feminine), type species by original designation *Thecla mazurka* Hewitson, 1867;
- (f) *Lucilda* d'Abrera & Bálint in d'Abrera, 2001 (gender: feminine), type species by original designation *Thecla crines* Druce, 1907;
- (g) *Pedusa* d'Abrera, 2001 (gender: feminine), type species by original designation *Thecla pedusa* Hewitson, 1867;
- (h) *Riojana* d'Abrera & Bálint in d'Abrera, 2001 (gender: feminine), type species by original designation *Thecla thargelia* Burmeister, 1878.

History of Case 3458

An application to establish by plenary power the availability of *Balintus* d'Abrera, 2001, *Gulliveria* d'Abrera & Bálint, 2001, *Salazaria* d'Abrera & Bálint, 2001, *Megathecla* Robbins, 2002, and *Gullicaena* Bálint, 2002 was received from Robert K. Robbins (*Smithsonian Institution, National Museum of Natural History, Washington, DC, U.S.A.*) and Gerardo Lamas (*Museo de Historia Natural, Universidad Nacional Mayor de San Marcos, Lima, Peru*) on 25 March 2008. After correspondence the Case was published in BZN **65**: 188–193 (September 2008). The title, abstract and keywords of the Case were published on the Commission's website. Adverse and supportive comments were published in BZN **66**: 271–272, 349–351; **68**: 206–211; **69**: 60–61, 281–283; **70**: 201; 250.

The Case was sent for vote on 5 June 2014 (VP 8).

Decision of the Commission

At the close of the voting period on 5 September 2014 the votes were as follows:

Affirmative votes – 3: Halliday, Pape & Zhou.

Negative votes – 13: Alonso-Zarazaga, Brothers, Grygier, Harvey, Kojima, Kottelat, Krell, Kullander, Ng, Rosenberg, van Tol, Winston and Zhang.

Split votes – 3:

Ballerio:

For (1), (2a), (2b), (2c), (3a), (3b), (3c), (4a), (4d), (4h); Against (2d), (3d), (4b), (4c), (4e), (4f) (4g);

Bouchet:

For (1), (2a), (2b), (2c), (2d), (3a), (3b), (3c), (3d); Against (4a), (4b), (4c), (4d), (4e), (4f), (4g), (4h);

Yanega:

For (1), (2a), (2b), (2c), (2d), (3a), (3b), (3c), (3d), (4a), (4b), (4c), (4d), (4h); Against (4e), (4f), (4g).

Abstained – 4: Bogutskaya, Fautin, Lamas & Patterson.

Pyle and Štys were on leave of absence.

Voting FOR, Pape said that for names proposed after 1930, the Code explicitly allowed for combined descriptions of a new genus-group taxon and a single included new nominal species. To qualify for a combined description, it must be ‘marked by “gen. nov., sp. nov.” or an equivalent expression’ (Article 13.4), and he took this to mean that the description must unambiguously refer to both the genus-group name and the species-group name. Thus, it was not sufficient that the description of the nominal species-group taxon be associated with the genus-group name by implication, by perceived intent, by indication, or similar. The eight genus-group names proposed by d’Abrera and by d’Abrera & Bálint in d’Abrera (2001), for which they differentiated the type species, not the genus, were therefore not Code-compliant and as such were unavailable. Voting AGAINST, Alonso-Zarazaga said that the names proposed for conservation were proposed very recently in a way non-compliant with the Code. It was the authors’ responsibility to know the Code and propose their taxa in a compliant way. Since these names had no special interest except for specialists and their usage by other authors was still minimal, the present authors should have proposed these names again to validate them. He also disagreed that the Commission should intervene to allow bad practices. Also voting AGAINST, Brothers said that the application was misleading in not reflecting the true layout of the original treatment for *Annamaria* (used as an exemplar), which created an incorrect impression and even introduced punctuation not present in the original. The application also misrepresented some aspects of the content of Robbins (2002), in which, for example, there was no mention of *Chopinina*. He voted against the application in its entirety, and requested that the Commission confirm the availability of all the generic names proposed in d’Abrera (2001), should the votes not indicate otherwise. Grygier, who also voted AGAINST, said that he was willing to recognise an expression of the form, ‘However, distinguished from Genus A...’, as constituting the lead-in to a generic, not merely specific, diagnosis. ABSTAINING, Kojima said that the application was made based on an incorrect interpretation of grammatical subjects that were omitted in the original descriptions of the eight genera under consideration. Anyone writing a taxonomic description would never mention that a species (in this case, the type species) differed from a given genus. The implied grammatical subject of each sentence of the original description of the eight genera in d’Abrera (2001) was the genus newly described therein. Therefore, whether these generic names are available or unavailable should have been judged in accordance with the Code, without involvement of the Commission. Voting AGAINST, Krell said that Article 13.1.1 only requires that the new name be accompanied by a description or definition that states in words characters that are purported to differentiate the taxon. In his opinion this could be done by differentiating the type species. Article 13.1 did not disallow this, and he was inclined to agree with Bálint and d’Abrera’s comment that their names were available. He thought that the intention of the authors was clear, and that we did not need to interpret the authors’ wording as not following their intention. Since he considered the names in question to be available, he would suggest strictly following priority and voted against.

Voting AGAINST, Kullander said that this was not a necessary application. It was clear that there was a diagnosis attached to the generic names in question, and that it was based on the type species would be obvious to a specialist alone. A diagnosis had to be present; it did not have to be relevant or correct, or true for all included species. He added that the names were available and no action by the commission was necessary. Voting AGAINST, Rosenberg said that he did not think that d'Abrera and Bálint violated Article 13.1. They did not compare the type species to another species; instead they stated why the type species could not be placed in the genus it was formerly placed in. This was an abstraction of genus level characters, and it did not matter if the statement was correct, just that it existed, he added. Therefore he considered the names to be available. Also voting AGAINST, Winston said that she agreed with Rosenberg that generic distinction had been made, although in a roundabout way, so no Commission action was necessary and the names were available. Kottelat, voting AGAINST, stated that he had no problem considering available the genera based on a single species, but he did not see why some of the monotypic genera would be on the Official List and some on the Official Index, apparently on the sole ground that they had been later listed in a given catalogue or not. He also did not see the need to place on the Official Index a name on apparently the sole ground that it is a junior homonym; application of priority is enough. He saw no need for the application, but indicated provisional partial agreement with some aspects but against others, although doubting that such a split vote would be possible since it implied adding proposals. SPLITTING his vote, Yanega said that he was in favour of the authors' proposals except that he did not agree that *Riojana*, *Lucilda* and *Pedusa* (monotypic genera) were unavailable under Article 13.1; given how Article 13.4 works (where a monotypic genus is made available automatically if its type species is described simultaneously), he would be inclined to interpret a type species differentiation as satisfying the requirements of 13.1, by extension of a similar principle (i.e. that a new monotypic genus would be differentiated automatically if its type species were differentiated as part of the genus description).

From the comments received in voting, a consensus emerged that the names should be interpreted as compliant with Articles 13.1.1 and/or 13.4 as genus-group characters were considered in determining the placement of the type species. Under Article 78.4.2, these names are entered on the *Official List* (as the subject of rulings in an Opinion).

Original references

The following are the original references to the names placed on the Official Lists by the ruling given in the present Opinion:

- Annamaria* d'Abrera & Bálint in d'Abrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 194.
- Balintus* d'Abrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 195.
- Chopinia* d'Abrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 196.
- Lucilda* d'Abrera & Bálint in d'Abrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 194.
- Megathecla* Robbins, (26 June) 2002, *Proceedings of the Entomological Society of Washington*, **104**: 820.

Pedusa d'Abbrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 195.

Riojana d'Abbrera & Bálint in d'Abbrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 195.

Salazaria d'Abbrera & Bálint in d'Abbrera, 2001, *The concise atlas of butterflies of the world*. Hill House Publishers, Melbourne & London, p. 195.